

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

<b>IN RE:</b>	)	
	)	
<b>CAH ACQUISITION COMPANY #1, LLC</b>	)	<b>Case No. 19-00730-5-JNC</b>
<b>d/b/a WASHINGTON COUNTY HOSPITAL,</b>	)	<b>Chapter 11</b>
	)	
<b>Debtor.</b>	)	

**TRUSTEE’S APPLICATION FOR EXTENSION OF “ACCEPTANCE”  
PERIOD PURSUANT TO 11 U.S.C. § 1121(c)(3)**

NOW COMES Thomas W. Waldrep, Jr., Chapter 11 Trustee (the “Trustee”), by and through his undersigned counsel, and respectfully moves this Court for an Order extending the period for obtaining acceptances of the Plan pursuant to 11 U.S.C. § 1121(d)(2)(B) (“ the Acceptance Deadline). In support of said Application, the Trustee shows unto the Court as follows:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. On February 19, 2019, Washington County, North Carolina, Medline Industries, Inc., and Dr. Robert Venable filed an involuntary petition for relief under Chapter 7 of the Bankruptcy Code against CAH Acquisition Company #1, LLC d/b/a Washington County Hospital. An Order appointing Thomas W. Waldrep, Jr. as Trustee was entered on February 22, 2019. The case converted to one under Chapter 11 on March 15, 2019.
3. On October 17, 2019, the Trustee filed the Amended Chapter 11 Plan and Disclosure Statement for the Estate. The hearing on plan confirmation has been scheduled for March 11, 2020.
4. On March 5, 2020, the Trustee filed a motion to continue the hearing on plan confirmation for approximately sixty (60) days. The Court has entered orders approving the sales of the Debtor’s assets,

as well as the sales of the assets of the Debtor's six other affiliates in Chapter 11 cases pending before this Court (the "Sale Orders," and each, a "Sale Order"). Five of the seven Sale Orders provide for mediated settlement conferences between the Trustee, Complete Business Solutions Group ("CBSG"), Paul Nusbaum and Steve White ("Nusbaum/White"), and, in three of the Sale Order, Cohesive Healthcare Management & Consulting LLC ("Cohesive," and together with the Trustee, CBSG, and Nusbaum/White, the "Mediation Parties").

5. The Mediation Parties have selected a mediator and scheduled April 1 and 2, 2020 as the dates for the mediated settlement conference, the outcome of which will almost certainly result in necessary amendments to the plans in five of the affiliated cases. Further, one of the Mediation Parties, CBSG, objected to all of the plans filed by the Trustee. Therefore, it is also possible that the outcome of mediation may implicate CBSG's objection to, and treatment under, all seven of the plans.

6. Accordingly, the Trustee has sought continuance of the hearings on plan confirmation from the March 11, 2020 to a hearing date approximately sixty (60) days thereafter in order to afford ample time to resolve all issues between the Mediation Parties and, if needed, file and serve amended plans.

7. The Trustee requests that the Acceptance Deadline be extended ninety (90) days from March 9, 2020 to June 7, 2020.

8. An Order allowing the extension as requested in this Application will not prejudice any party.

**WHEREFORE**, the Trustee respectfully prays that the Acceptance Deadline be extended to June 7, 2020.

DATED: March 6, 2020

**WALDREP LLP**

/s/ Thomas W. Waldrep, Jr.

Thomas W. Waldrep, Jr. (NC State Bar No. 11135)

Jennifer B. Lyday (NC Bar No. 39871)

Francisco T. Morales (NC Bar No. 43079)

James C. Lanik (NC Bar 30454)

101 S. Stratford Road, Suite 210

Winston-Salem, NC 27104

Telephone: 336-717-1440

Telefax: 336-717-1340

Email: notice@waldrep LLP.com

**- and -**

**HENDREN, REDWINE & MALONE, PLLC**

Jason L. Hendren (NC State Bar No. 26869)

Rebecca F. Redwine (NC Bar No. 37012)

Benjamin E.F.B. Waller (NC Bar No. 27680)

4600 Marriott Drive, Suite 150

Raleigh, NC 27612

Telephone: 919-420-7867

Telefax: 919-420-0475

Email: jhendren@hendrenmalone.com

rredwine@hendrenmalone.com

bwaller@hendrenmalone.com

*Co-Counsel for the Trustee*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

**IN RE:**

**CAH ACQUISITION COMPANY #1, LLC  
d/b/a WASHINGTON COUNTY HOSPITAL,**

**Debtor.**

)  
)  
)  
)  
)  
)

**Case No. 19-00730-5-JNC  
Chapter 11**

**NOTICE OF TRUSTEE'S APPLICATION FOR EXTENSION OF  
"ACCEPTANCE" PERIOD PURSUANT TO 11 U.S.C. § 1121(c)(3)**

NOTICE IS HEREBY GIVEN of the TRUSTEE'S APPLICATION FOR EXTENSION OF "ACCEPTANCE" PERIOD PURSUANT TO 11 U.S.C. § 1121(c)(3) filed simultaneously herewith in the above-captioned case; and,

FURTHER NOTICE IS HEREBY GIVEN that this Motion may be allowed provided no response and request for a hearing is made by a party in interest within **TWENTY-ONE (21) DAYS** and

FURTHER NOTICE IS HEREBY GIVEN, that if a response and a request for a hearing is filed by a party in interest in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by the Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further notice. Any party filing an objection requesting a hearing shall appear at said hearing or they may be taxed with Court costs.

DATE OF NOTICE: March 6, 2020

**WALDREP LLP**

/s/ Thomas W. Waldrep, Jr.

Thomas W. Waldrep, Jr. (NC State Bar No. 11135)

Jennifer B. Lyday (NC Bar No. 39871)

Francisco T. Morales (NC Bar No. 43079)

James C. Lanik (NC Bar 30454)

101 S. Stratford Road, Suite 210

Winston-Salem, NC 27104

Telephone: 336-717-1440

Telefax: 336-717-1340

Email: notice@waldrepllp.com

**- and -**

**HENDREN, REDWINE & MALONE, PLLC**

Jason L. Hendren (NC State Bar No. 26869)

Rebecca F. Redwine (NC Bar No. 37012)

Benjamin E.F.B. Waller (NC Bar No. 27680)

4600 Marriott Drive, Suite 150

Raleigh, NC 27612

Telephone: 919-420-7867

Telefax: 919-420-0475

Email: [jhendren@hendrenmalone.com](mailto:jhendren@hendrenmalone.com)

[rredwine@hendrenmalone.com](mailto:rredwine@hendrenmalone.com)

[bwaller@hendrenmalone.com](mailto:bwaller@hendrenmalone.com)

*Co-Counsel for the Trustee*

**CERTIFICATE OF SERVICE**

I, Jason L. Hendren, 4600 Marriott Drive, Suite 150, Raleigh, North Carolina 27612, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 6th day of March, 2020 I served copies of the foregoing document on the parties listed below electronically as directed in the Order Limiting Notice.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this the 6<sup>th</sup> day of March, 2020.

**WALDREP LLP**

/s/ Thomas W. Waldrep, Jr. \_\_\_\_\_

Thomas W. Waldrep, Jr. (NC State Bar No. 11135)

Jennifer B. Lyday (NC Bar No. 39871)

Francisco T. Morales (NC Bar No. 43079)

James C. Lanik (NC Bar 30454)

101 S. Stratford Road, Suite 210

Winston-Salem, NC 27104

Telephone: 336-717-1440

Telefax: 336-717-1340

Email: notice@waldrepllp.com

**- and -**

**HENDREN, REDWINE & MALONE, PLLC**

Jason L. Hendren (NC State Bar No. 26869)

Rebecca F. Redwine (NC Bar No. 37012)

Benjamin E.F.B. Waller (NC Bar No. 27680)

4600 Marriott Drive, Suite 150

Raleigh, NC 27612

Telephone: 919-420-7867

Telefax: 919-420-0475

Email: jhendren@hendrenmalone.com

rredwine@hendrenmalone.com

bwaller@hendrenmalone.com

*Co-Counsel for the Trustee*

Marjorie K. Lynch (via CM/ECF)  
Office of the Bankruptcy Administrator

Rayford K. Adams (via CM/ECF)  
Counsel for the Debtor

Ryan J. Adams (via CM/ECF)  
Counsel for Aspirar Medical Lab, LLC

Brian R. Anderson (via CM/ECF)  
Nancy A. Peterman  
Counsel for Health Care Ombudsman

E. Franklin Childress (via CM/ECF)  
Counsel for CAH Acquisition Company 11, LLC

John Paul H. Cournoyer (via CM/ECF)  
Counsel for Paul Nusbaum & Steve White

Jonathan E. Friesen (via CM/ECF)  
Counsel for Wendy C. Phillips

Terri L. Gardner (via CM/ECF)  
Counsel for Petitioning Creditors

Steven A. Ginther (via CM/ECF)  
Counsel for MO Dept. of Revenue

David J. Haidt (via CM/ECF)  
Nicholas Zluticky  
Counsel for First Liberty Bank

Patricia E. Hamilton (via CM/ECF)  
Wesley Smith  
Sharon Stole  
Counsel for Brent King

Tyler R. Heffron (via CM/ECF)  
Felton Parrish  
Counsel for Hillsboro

Eric L. Johnson (via CM/ECF)  
Mathew A. Petersen  
Stephen W. Petersen

Jeffrey Whitley  
Counsel for First Capital Corporation  
Katherine McCraw  
Counsel for NC DHHS (via CM/ECF)

Brian H. Smith  
William Walt Pettit  
Counsel for Complete Business Solutions (via CM/ECF)

John M. Sperati  
Counsel for Somerset Capital Group (via CM/ECF)

Sam Bratton, II  
Counsel for CAH Acquisition Company 12, LLC  
and Doerner, Saunders, Daniel & Anderson, LLP (via CM/ECF)

Paul A. Fanning  
Ross Plourde  
Counsel for Cohesive Healthcare Management  
and Consulting LLC (via CM/ECF)

Byron Saintsing  
Counsel for Siemens Financial Services (via CM/ECF)

Marc Sacks  
Counsel for US Department of Justice (via CM/ECF)

Dennis Duffy  
Counsel for US Department of Health and  
Human Services and US Internal Revenue  
Service (via CM/ECF)

Ciara Rogers  
Counsel for Sherwood Partners, Inc. (via CM/ECF)